

**AGENDA SUMMARY PAGE**  
**CITY COUNCIL MEETING OF: JUNE 17, 2009**

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**DEPARTMENT: CITY ATTORNEY**

**DIRECTOR: BRADFORD R. JERBIC**

☒ **Consent**   ☐ **Discussion**

**SUBJECT:**

Approval of the continued funding of arbitration expenses and for the law firm of Kemp, Jones & Coulthard, LLP to represent the City of Las Vegas in an arbitration filed against it by Asphalt Products Corporation over the construction of Washington Buffalo Park Phases 1-A and 1-B for an amount not to exceed \$200,000 - Ward 4 (Steinman)

**Fiscal Impact**

☐

**No Impact**

☐

**Augmentation Required**

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**Budget Funds Available**

**Amount:** \$200,000

**Funding Source:** General Fund

**Dept./Division:** City Attorney

**PURPOSE/BACKGROUND:**

Asphalt Products Corporation (APCO) contracted with the City to construct the Washington Buffalo Park Phases 1-A and 1-B in December 17, 2003. APCO constructed the park and the City staff found the construction to be defective. APCO demanded that the City pay millions of dollars in addition to the contract price. City staff refused. Pursuant to the contract, APCO filed for arbitration in December 2005. The arbitration commenced on September 5, 2007 and APCO spent 32 days attempting to prove its case seeking \$7 million. The parties have completed the entire presentation of their respective cases and await only the Panel's decision in the matter. A final decision by the Arbitrators is anticipated in July or August 2009.

**RECOMMENDATION:**

Approval

**BACKUP DOCUMENTATION:**

None

Motion made by GARY REESE to Approve Items 14-84

Passed For: 6; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 1

LOIS TARKANIAN, STEVE WOLFSON, OSCAR B. GOODMAN, GARY REESE, STEVEN D. ROSS, STAVROS S. ANTHONY; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-RICKI Y. BARLOW)